



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

Date: October 16, 2015
Subject: 66 Lincoln Avenue; Area Variance
Applicant: Patricia and Martin Stantz
Tax ID #: 160.45-3-36
Case: 2015-21

A. SUMMARY:

The applicants seek an Area Variance to construct a shed with a 2' side and back yard setback, where 5' is the minimum required in the R-1, Residential Single Unit Dwelling District. Currently, the back two corners adhere to required 5' setback; however, the shed has been oriented at an angle to ensure safe separation of the electrical fixtures, outlets, and equipment from the pool.

The subject site is located on the north side of Lincoln Avenue, on a 5,700 square foot lot. A single-family home, the shed and pool are currently located on the lot.

Land uses in the vicinity consist primarily of residential one-unit dwellings. Many of the dwellings on Lincoln Avenue, between Laurel Ave. and Beethoven St., appear to have legal non-conforming accessory uses, such as a shed or garage that do not meet the setback requirement.

B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

14 Lincoln Avenue - In 2002, an Area Variance was granted to allow the construction of a garage, at 14 Lincoln Avenue, that would have a 1' setback where 5' is required.

C. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR Type II Action.

No further environmental review is required.

F. STAFF COMMENTS

1. Reasonable Alternative

- a. By moving the closer, the risk of electrical shock or damage to pool would increase. According to the installation company, the current 5' separation from the pool and shed is the minimum distance needed for a safe and appropriate operation.

2. Substantial Request

- a. The minimum distance required is 5' and the applicant is applying for 3'.

3. Self-created Hardship

- a. The ZBA must determine if there is a self-created hardship.

Many of the neighboring properties have accessory structures that have legal, non-conforming setbacks.

H. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.